

B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS Antoine D. Jordan Pamela J. Jordan 219 Pilgrim Drive Sewickley, PA 15143	DEFENDANTS Bankers Healthcare Group LLC 201 Solar Street Syracuse, NY 13204			
ATTORNEYS (Firm Name, Address, and Telephone No.) Kenneth Steidl 34965 Steidl & Steinberg, P.C. 707 Grant Street Suite 2830 Pittsburgh, PA 15219-1908 412-391-8000 Fax: 412-391-0221	ATTORNEYS (If Known) Christopher J. Cali, Esq. Bankers Healthcare Group 201 Solar Street Syracuse, NY 13204			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) COMPLAINT FOR DETERMINATION OF SECURED STATUS				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) - Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) - Validity, Priority or Extent of Lien <input checked="" type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) - Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) - Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) - Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) - Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) - Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) - Injunctive Relief <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input type="checkbox"/> 72-Injunctive relief - other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) - Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) - Validity, Priority or Extent of Lien <input checked="" type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) - Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) - Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) - Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) - Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) - Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) - Injunctive Relief <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input type="checkbox"/> 72-Injunctive relief - other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought				

B1040 (FORM 1040) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Antoine D. Jordan Pamela J. Jordan		BANKRUPTCY CASE NO. 17-20404
DISTRICT IN WHICH CASE IS PENDING Western District of Pennsylvania	DIVISION OFFICE Pittsburgh	NAME OF JUDGE Bohm
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
<u>/s/ Kenneth Steidl</u> Kenneth Steidl 34965		
DATE April 20, 2022	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Kenneth Steidl 34965	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	
)	
Antoine D. Jordan)	Case No. 17-20404 CMB
Pamela J. Jordan,)	Chapter 13
<i>Debtors</i>)	Adversary No.
)	
Antoine D. Jordan)	
Pamela J. Jordan,)	
<i>Plaintiffs</i>)	
)	
vs.)	
)	
Bankers Healthcare Group LLC,)	
<i>Defendant</i>)	

COMPLAINT FOR DETERMINATION OF SECURED STATUS

Antoine D. and Pamela J. Jordan, the Debtors and Plaintiffs, are seeking a determination of the secured status of the claim of Bankers Healthcare Group LLC and respectfully represent as follows:

JURISDICTION

1. The Debtors filed a voluntary petition under Chapter 13 of the Bankruptcy Code on February 3, 2017.
2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334.
3. This is an adversary action arising from a bankruptcy case and jurisdiction is in the Western District of Pennsylvania under 28 U.S.C. § 1408(1).
4. This is a core matter as defined by 28 U.S.C. § 157(b).
5. The Plaintiffs consent to the entry of a Final Order by the Bankruptcy Court.

FACTUAL BACKGROUND

6. The Husband Debtor/Plaintiff is the owner of real property known as 219 Pilgrim Drive, Sewickley, PA 15143 located in Allegheny County (hereinafter referred to as "real property").

7. The Husband Debtor/Plaintiff owns the real property in fee simple.
8. The Husband Debtor/Plaintiff's interest in the real property is listed on Schedule A of the Debtors' bankruptcy schedules.
9. The market value of the property is \$300,000.00 based on an appraisal completed in February 2017.
10. The Defendant, Bankers Healthcare Group LLC, holds a UCC agreement against the Debtor in the amount of \$33,548.32 plus interest.
11. The UCC agreement was filed September 4, 2012 with the Commonwealth of Pennsylvania at filing number 2012090404912.
12. The Defendant, Bankers Healthcare Group LLC, filed a proof of claim on March 6, 2017, at claim number 5, which included a copy of the promissory notice and security agreement governing the UCC lien.
13. The loan was a business loan to the Husband Debtor's business. The Debtors executed personal guarantees.

**COUNT ONE – DEFENDANT'S CLAIM IS FULLY UNSECURED BASED UPON
UNIFORM COMMERCIAL CODE (UCC) SECTION 9-108(c)**

14. The averments set forth in paragraphs 1 through 13 of this Motion are incorporated herein as if set forth in their entirety.
15. A proof of claim filed in accordance with the Federal Rules of Bankruptcy Procedure enjoys prima facie validity. Fed. R. Bankr. P. 3001(f).
16. A proof of claim filed in a bankruptcy proceeding is done so by the filing party under the penalty of perjury.
17. In this matter, per the agreements attached to the filed proof of claim, specifically the language found on page 6 of the proof of claim, states that the Collateral is comprised of "all of the right, title and interest of Debtor in and to Accounts Receivables, Inventory, Instruments, Equipment, Intangibles, Accounts, Chattel Paper, Good Will, Fixtures, Specific Property and All Property of Debtor and all proceeds thereof...".
18. However, under Section 9-108(c) of the Uniform Commercial Code, a "supergeneric description is not sufficient" the Code specifically states that "a description of collateral

as ‘all the debtor’s assets’ or ‘all of the debtor’s personal property’ or using words of similar import does not reasonably identify the collateral.”

19. Therefore, because the collateral is not reasonably identified in the agreement, the UCC does not effectively attach to the Debtors’ assets.

20. As the UCC is not validly perfected against the Debtor/Plaintiffs’ assets, the claim of the Defendant is not a valid, secured claim.

21. Based on the foregoing, the claim of the Defendant should not be held to be fully secured.

WHEREFORE, the Debtor/Plaintiff request that an Order of Court be entered that indicates that the Defendant’s UCC is invalid and Defendant’s claim to be unsecured in its entity,

Respectfully submitted,

April 20, 2022
DATE

/s/ Kenenth Steidl
Kenneth Steidl, Esquire
Attorney for the Plaintiffs

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